



**DIVISION OF WATER
INDUSTRIAL DISCHARGE**

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October 9, 2006

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John Woodruff, Vice President, Production
Icicle Seafoods, Inc.
P.O. Box 79003
Seattle, Washington 98119

Subject: Short-Term Water Quality Variance for Pile A Clean-up Plan

Dear Mr. Woodruff:

The department (ADEC) has reviewed your application for a short-term water quality variance for a project located in Beaver Inlet. Based on IV.D.1.a. of the individual permit for the M/V Northern Victor, AK-0052868, Pile A was to have been removed by September 13, 2002. It originally was 1.0 acre in size. At the time of an ADEC inspection conducted, 9/12/03, the June 2002 dive survey findings showed that Pile A was 0.9 acres in size. The permit operator, Icicle Seafoods, Inc. was out of compliance with the permit provision and is being required to remove Pile A. It is believed that by removing Pile A habitat restoration will be enhanced. Pile A is composed of mostly fish bones and is approximately 330 feet long and 260 feet wide and 7.5 feet deep at its thickest point. The volume of the material is estimated to be 6000 cubic yards.

The project will consist of using a clamshell dredge operating from an anchored barge to pick up the material. Two additional vessels will be used to haul the material to ADEC approved offshore dumping locations.

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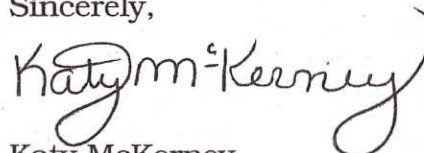
The application of this project has not been public noticed in accordance with state regulations contained in 18 AAC 15. The primary reason for this is timing of the project with the weather in Beaver Inlet. There is not enough time to public notice this short-term variance and meet the proposed start up date of October 15, 2006. This date is based on the end-of-summer processing season and incoming expected stormy weather. The department does not feel it is enough of an adverse risk to other waterbody users to delay the project at this time. In addition, the delay of Pile A removal by Icicle Seafoods, Inc. has resulted in an accumulated EPA penalty, so the sooner Pile A is removed the better in terms of complying with the permit conditions.

The closest community is Unalaska located approximately 35 miles away from the closest proposed dump site. Although ADEC approves this short-term variance, if there are any complaints or concerns expressed by any members of the nearest public, the project will cease until a public notice is issued according to 18 AAC 15.

This variance is being issued because short-term water quality degradation is anticipated as a result of this activity, specifically the resuspension of waste particulates in the water column. The request is for a variance period from October 15 – December 15, 2006. In the event the project is not concluded within this period, a supplemental operating period of April 1 – June 8, 2007 is sought. The estimated time needed for completion of remediation activity is estimated to be 10-30 days.

The proposed project is approved as long as the applicant complies with the September 12, 2006 revised Waste Pile Removal Plan and sends ADEC a full report at the conclusion of the project. In addition, ADEC must be kept abreast of any difficulties or changes made to the plan if they become necessary.

Sincerely,



Katy McKerney
Permitter, Inspector, Enforcement
and Compliance for Alaskan Seafood
Industrial Discharges

cc. Alan Kukla, Acting Industrial Discharge Program Manager
Margo Young, EPA Enforcement and Compliance